

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TYRRAN SMITH and TATRA BRADSHAW,)	
Individually and as Administrators of the)	
ESTATE OF DENISE BRADSHAW,)	
)	
Plaintiffs,)	No. 1:21-cv-01451-RGA
v.)	
)	
NELI SERAFIMOVA, M.D., WESLEY)	TRIAL BY JURY OF TWELVE
EMMONS, M.D., JOHN D’AMBROSIO, D.O.,)	DEMANDED
MICHAEL VANWINKLE, D.O., and ST.)	
FRANCIS HOSPITAL, INC.,)	
)	
Defendants.)	
)	
)	

**SUPPLEMENTAL DECLARATION OF DEFENDANT, WESLEY EMMONS, M.D., IN
SUPPORT OF JOINDER TO REPLY BRIEF IN FURTHER SUPPORT OF
MOTION TO DISMISS COMPLAINT**

COME NOW, Defendant, Wesley Emmons, M.D. (“Dr. Emmons”), by and through his counsel, Wharton Levin Ehrmantraut & Klein, P.A., hereby files this Supplemental Declaration in support of his *Joinder to the Reply Brief of Defendants Neli Serafimova, M.D. and Michael Van Winkle, D.O. in Further Support of Motion to Dismiss Complaint*. For the reasons set forth below and in Defendants’ briefing—incorporated by reference as if the same were set forth fully and at length herein—Dr. Emmons respectfully requests this Honorable Court grant the Motion to Dismiss, dismissing Plaintiffs’ Complaint, with prejudice; and in support thereof Dr. Emmons avers as follows:

1. Plaintiffs filed this medical negligence action in connection with Mrs. Bradshaw’s COVID-19 treatment by Defendants involving the use of anticoagulants. Plaintiffs allege the treatment caused Mrs. Bradshaw’s death due to an abdominal bleed.

2. On October 21, 2021, Defendant, Neli Serafimova filed a motion to dismiss and

brief in support thereof (ECF Docs. 7 and 8); Dr. Emmons joined in this motion on November 4, 2021. (ECF Doc. 15).

3. Defendants are seeking dismissal because they are afforded immunity under the PREP Act for providing Mrs. Bradshaw COVID-19 treatment involving COVID countermeasures, such as anticoagulants like Lovenox.

4. In their Answering Brief in opposition to the Motion to Dismiss, Plaintiffs attempt to create a factual dispute by alleging Defendants are not entitled to immunity because Mrs. Bradshaw was taking anticoagulants for deep vein thrombosis (“DVT”) when she was admitted to St. Francis on March 26, 2020 and not in connection with COVID-19. (ECF Doc. 16 at 6).

5. In support of his Joinder to the Reply Brief (ECF Doc. 18) filed on November 11, 2021, Dr. Emmons submits that Mrs. Bradshaw was admitted to St. Francis with COVID-19 and placed on an anticoagulant regimen specifically to treat COVID-19 through April 8, 2020, not DVT, in an effort to prevent microthrombi—a suspected complication of COVID-19 at the time. (*See*, Affidavit of Wesley Emmons, M.D. attached hereto as Exhibit “A”).

WHEREFORE, Defendant, Wesley Emmons, M.D., submits this supplemental declaration and affidavit in support of Defendants’ Motion to Dismiss and respectfully requests this Honorable Court grant the Motion to Dismiss and enter the attached Proposed Order, dismissing Plaintiffs’ Complaint, with prejudice.

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**WHARTON LEVIN EHRMANTRAUT &
KLEIN, P.A.**

/s/ Jonathan D. Landua

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Dated: December 20, 2021